

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHANE SWINDALL CHAMBERS,

Petitioner,

v.

CASE NO. 2:19-CV-11396  
HONORABLE PAUL D. BORMAN

MARK MCCULLICK,

Respondent.

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**ORDER TRANSFERRING PETITIONER'S MOTION  
FOR A CERTIFICATE OF APPEALABILITY (ECF NO. 13) TO THE  
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

This matter is before the Court on Petitioner's motion for a certificate of appealability concerning the Court's March 1, 2022 Opinion and Order denying and dismissing with prejudice his petition for writ of habeas corpus. The Court denied a certificate of appealability and denied leave to proceed in forma pauperis on appeal in its Opinion and Order denying the habeas petition. Consequently, the Court construes Petitioner's motion as a request for reconsideration. *See Jackson v. Crosby*, 437 F.3d 1290, 1294 n. 5 (11th Cir. 2006); *Lyons v. Lafler*, No. 2:10-CV-11386, 2013 WL 812083, \*1 (E.D. Mich. Mar. 5, 2013); *Pettigrew v. Rapelje*, No. 08-12530-BC, 2008 WL 4186271, \*1 (E.D. Mich. Sept. 10, 2008).

Having reviewed the matter, the Court finds no reason to reconsider its prior decision. A motion for reconsideration which presents issues already ruled upon by the

Court, either expressly or by reasonable implication, will not be granted. *Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Such is the case here.

When a district court denies a certificate of appealability, the proper procedure is for a habeas petitioner to file a motion for a certificate of appealability with the appellate court. *See Sims v. United States*, 244 F.3d 509 (6th Cir. 2011) (citing Fed. R. App. P. 22(b)(1)). Accordingly, in the interest of justice, the Court transfers the motion for a certificate of appealability (ECF No. 13) to the United States Court of Appeals for the Sixth Circuit.

**IT IS SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: March 28, 2022